

MAR 08 2004

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FAX INFORMATION SHEET

Date: March 8, 2004
ID Number: 61297
Identifier: 126233.0601

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Comments: Attached is a Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Pursuant to 37 CFR 1.181(f) and MPEP 711.03(c)(II) together with Exhibit A thereto.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT
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MAR 08 2004

In re Application of: :
Janigro, et al. :
Serial No. 09/891,023 : Group Art Unit: 1647
Filed: June 25, 2001 : Examiner: Christopher J. Nichols
For: A PERIPHERAL MARKER OF BLOOD BRAIN BARRIER PERMEABILITY

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE
OFFICE ACTION PURSUANT TO 37 CFR 1.181(f) and MPEP 711.03(c)(II)**

SPRE Special Processing
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Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant's Attorney was informed on this date by Examiner Nichols that the above-identified application became abandoned for failure to file a timely and proper reply to the Final Office Action mailed on or about August 2, 2003. The abandonment date of this application was February 2, 2004.

Applicant hereby Petitions to withdraw holding of abandonment based on failure to receive office action pursuant to 37 CFR 1.181(f) and MPEP 711.03(c)(II). To support this Petition and to substantiate our statement that the Final Office was not received, enclosed are the following items:

1. A copy of our docket record for this application which indicates that the final office action was not received or docketed is attached as Exhibit "A".
2. Statement: The Final Office mailed on or about August 2, 2003 was not received by Applicant's Attorney. A complete search of the file jacket and docket records indicate that the Final Office Action was not received.

It is hereby requested that the Final Office Action be re-mailed as soon as possible.

PT: #102636 v1 (2770011.DOC)

DOCKET NO.: 126233.00601

PATENT

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-0436.

Respectfully submitted

PEPPER HAMILTON LLP



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Country Application

Monday, March 08, 2004

Page: 1

Case Number: 126233.0601	Country: US	SubCase:
Client: Cleveland Clinic Foundation	United States of America	
Case Type: ORD	Application Status: Published	
Application Number: 09/891023	Filing Date: 25-Jun-2001	
Publication Number: 03-0170747	Publication Date: 11-Sep-2003	
Patent Number:	Issue Date:	
Parent/PCT Number:	Parent/PCT Date :	
Parent Issue Number:	Parent Issue Date :	
Tax Schedule: LE	Expiration Date:	
Confirmation #:	Patent Term Adjustment: 0	
Agent:	Agent Reference #:	

Family Reference:

Remarks: 9/28/2001 assignment from Damir Janigro, Marc Mayberg and Gene Barnett to The Cleveland Clinic Foundation; Reel/Frame 012233/0241.

Priority No.: 09/891023
Priority Date.: 6/25/2001

Exhibit "A"

Country Application

Monday, March 08, 2004

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List Of Actions

Action(s) Due	Due Date		Action Taken
Information Disclosure Stmt	25-Sep-2001	Due Date	13-Dec-2001
Rmdr-Restriction Resp due	09-Oct-2002	Reminder	25-Oct-2002
Restriction Response due	25-Oct-2002	Due Date	25-Oct-2002
Restriction Resp - 1st Ext.	25-Nov-2002	Due Date	25-Oct-2002
Restriction Resp - 2nd Ext.	25-Dec-2002	Due Date	25-Oct-2002
Restriction Resp - 3rd Ext.	25-Jan-2003	Due Date	25-Oct-2002
Restriction Resp - 4th Ext.	25-Feb-2003	Due Date	25-Oct-2002
Resp. to OA due in 2 mos.	07-Mar-2003	Reminder	01-May-2003
Restriction Resp - FINAL	25-Mar-2003	Final	25-Oct-2002
Resp. to OA due in 1 mo.	07-Apr-2003	Reminder	01-May-2003
Status Check	25-Apr-2003	Due Date	10-Feb-2003
Resp. to OA due	07-May-2003	Due Date	01-May-2003
Resp. to OA due w/1st ext.	07-Jun-2003	Due Date	01-May-2003
Refile Amendment-due 2 weeks	15-Jun-2003	Reminder	18-Jun-2003
Refile Amendment	30-Jun-2003	Due Date	18-Jun-2003
Resp. to OA due w/2nd ext.	07-Jul-2003	Due Date	01-May-2003
Resp. to OA due w/3rd ext.	07-Aug-2003	Final	01-May-2003
Notice of Publication rec'd	29-Sep-2003	Final	29-Sep-2003
Status Check	01-Nov-2003	Due Date	